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May 5, 2009

VIA FEDERAL EXPRESS (w/ Attachments)
VIA Email (w/o Attachments)

Monika O'Sullivan
Investigator, SFD-7-5
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. O'Sullivan:

Rio Algom Mining LLC (RAML) hereby responds to the United States Environmental Protection Agency's (EPA) March 2009 Request to Provide Information (Request) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. § 9604(e) (Response).

RAML reserves all of its legal rights based on the objections noted below and contained under Tab 1 of this Response. In part, RAML objects to the definition of "Site" as overly vague and ambiguous. For purposes of this Response, RAML has defined "Site" as the Church Rock I, IE, II and III mining areas. RAML has defined "Leased Property" as the land near Northeast Church Rock I, IE, and II, located in eastern McKinley County, New Mexico, which was leased from the Navajo Nation. "United Nuclear Company (UNC) Leased Property" is defined as land in eastern McKinley County, New Mexico, that was leased from UNC.

In connection with this Request, EPA has asserted that RAML may have responsibility for remediation on the Navajo Nation as a result of operations on the Leased Property. Specifically, EPA's Request asserted that Quivira Mining Corporation, formerly known as Kerr McGee Nuclear Corporation (KMNC), operated through one or more leases with the Bureau of Indian Affairs or the Navajo Nation. As reflected in the enclosed documents, Kerr McGee Corporation (Kerr McGee), not Quivira, held the leases for and conducted operations on the Navajo Nation.

By way of background, a brief history of Kerr McGee and KMNC may be illuminating. KMNC was incorporated in October 1973. Although a wholly-owned subsidiary of Kerr McGee, KMNC was a separate and distinct corporation. Kerr McGee leased property from and performed exploratory operations on the Navajo

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[Nation. Unlike its parent company, KMNC did not operate on or lease any property from the Navajo Nation.]

[In approximately late 1983 to 1984, operations near and around the Church Rock mine ceased. Around this time, KMNC's name was changed to Quivira.]

Kerr McGee formally terminated its leases with the Navajo Nation in approximately 1987. Shortly thereafter, in 1988, Kerr McGee entered into a Purchase and Sale Agreement with Rio Algom Mining Corporation (RAMC). As part of the transaction, RAMC acquired the stock of Quivira (f/k/a KMNC). Thereafter, in 2001, Quivira merged into RAMC. RAMC subsequently changed its name to RAML in October 2001. The documents relevant to referenced corporate transactions are attached under Tab 2.

If you have any questions, please feel free to contact me at (602) 364-7344.

Sincerely,



Pamela S. Gates

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Enclosures